



Appeal Decision

Site visit made on 10 September 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 NOVEMBER 2024

Appeal Ref: APP/Z5060/W/24/3342006

56 Woodward Road, Dagenham RM9 4SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Victor Usuanlele against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 24/00106/FULL.
 - The development proposed is the change of use of the dwellinghouse (C3) into 4-bedroom HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the Council adopted the new Barking and Dagenham Local Plan 2037. The Council's Core Strategy and Borough Wide Development Plan Document (DPD) have now been superseded by the new local plan. Copies of the relevant new policies have been provided. As such, I have determined the appeal on this basis.
3. The conversion of the dwelling into a House in Multiple Occupation (HMO) has already occurred. I have therefore assessed this appeal on a retrospective basis.

Main Issues

4. The main issues in this case are:
 - whether the proposal will be contrary to local housing policies that seek to protect family housing;
 - the effect of the proposal on the living conditions of the neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

Supply of family housing

5. The appeal property is a two-storey terraced dwelling located on the northern side of Woodward Road within an established residential area. It currently features four bedrooms and a rear garden.
6. Policy DMH5 of the Barking and Dagenham Local Plan 2037 (LP) seeks to resist the conversion of housing capable of accommodating families with

children. The aim of the policy is also to ensure that proposals for new houses in multiple occupation (HMOs) meet an identified need, provide a high standard of amenity, do not result in the loss of character to the area, and are located in an area of high transport accessibility.

7. The London Plan (2021) defines HMOs as dwellings which are shared by three or more tenants who form two or more households and share a kitchen, bathroom or toilet. The proposal will lead to the conversion of a single household dwelling capable of accommodating a family with children into a 4-bedroom HMO.
8. I have not been provided with any tangible justification for the conversion in line with the policy's requirements. The appellant states that HMOs are common in the borough and that no alterations are proposed to the exterior of the dwelling. However, this does not justify the conversion or satisfy the requirements of Policy DMH5. The proposal will reduce the stock of family housing in the Borough and in doing so will unacceptably undermine the Council's housing strategy.
9. Policy DMH5 states that HMO conversions should comply with relevant standards set out in the East London HMO Guidance and satisfy the housing space standards set out in Policy D6 of the London Plan. In this regard, the total internal floor space and the floor space of the bedrooms will not comply with minimum floor area requirements. Furthermore, accommodation should include sufficient built-in space for storage and utility purposes in addition to the minimum space standards. The plans do not show any built-in storage and therefore the layout also fails to comply with this requirement.
10. Given the above, the proposal will be contrary to local housing policies that seek to protect family housing. It will conflict with Policy DMH5 of the LP as well as Policy D6 and H9 of the London Plan (2021) insofar as they seek to ensure housing developments and HMOs are of a reasonable standard, have comfortable and functional layouts, and meet minimum space standards.

Living conditions

11. The Council opine that the conversion will generate noise and disturbance as a result of increased activity levels and comings and goings to and from the site. Whilst I also note the comments of the Inspector in respect of appeal ref APP/Z5060/W/20/3253029, I have not been provided with any substantive evidence that the conversion has and will increase noise and disturbance as compared to a single-family dwelling.
12. Whilst unrelated adults are more likely to have individual daily schedules and deliveries than a family, I am not persuaded by the view that this ultimately leads to more noise or disturbance. It is conceivable that a large family with multiple children undertake more comings and goings than, say, unrelated adults who work from home. I find that it cannot be assumed that occupants of an HMO would unacceptably disturb the privacy and living conditions of neighbours more than a family with children.
13. Given the above, the proposal will not harm the living conditions of the neighbouring occupiers, with particular regard to noise and disturbance. It will not conflict with Policy DMSI3 of the LP which seeks to resist proposals which generate unacceptable levels of nuisance.

Other Matters

14. The appellant states they were misinformed by the Council's planning officer during the application stage. This is disputed by the Council. This consideration has not had a bearing on the outcome of this decision.
15. The Council raised concerns regarding the use of the off-street parking bays on Woodward Road by prospective occupants and whether this would increase parking pressures and harm highway safety. As I am dismissing the appeal, it is not necessary to consider this issue further.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
17. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR